

1 **MINUTES OF THE REGULAR MEETING** of the City Council of the City of Orange City, Florida,
2 held on Tuesday, April 14, 2009 at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue, Orange City.

3

4 **CALL TO ORDER**

5

6 The Meeting was called to order at 7:00 p.m. by Mayor Strickland and roll call was taken.

7

8 **ROLL CALL**

9

10 PRESENT: Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,
11 Tom Abraham, Don Sherrill, Paul Rasch, Jim Mahoney; City Attorney William Reischmann; Interim
12 City Manager Chester Murray, City Clerk Deborah Renner

13

14 **INVOCATION**

15

16 The Invocation was given by Pastor Howard Fish, Fish Memorial Hospital, followed by the Pledge of
17 Allegiance.

18

19 **1. ABSENCES** No absences to consider

20

21 **2. PRESENTATIONS/PROCLAMATIONS:** Lindsay Roberts – WAV

22

23 Lindsay Roberts, Executive Director, Water Authority of Volusia (WAV) came forward and
24 commended Council for its interest in WAV. Referring to a power point presentation (a copy of which
25 is attached and becomes a permanent part of these minutes) Ms. Roberts began by stating WAV has
26 restructured in order to provide better services and to help its members combat the various regulatory
27 economic forces affecting them. Minimum flow and level regulations; reduction of consumptive use
28 permits; and the St. John's River Water Management District (SJRWMD) alternate water source
29 mandate are all taking place at a time when budgets are constrained. In addition, municipalities are
30 considering whether to participate in the Yankee Lake Project or the Coquina desalination project and
31 both projects will require a financial commitment soon. Ms. Roberts said these are areas in which WAV
32 can help.

33

34 Ms. Roberts detailed WAV's activities. She told Council that WAV developed a regional aquifer
35 management plan used by various cities in the County to construct storm water diversion and retention
36 projects and has coordinated an Environmental Protection Agency (EPA) funded interconnect project.
37 WAV continues to provide conservation programs and documentation needed for consumptive use
38 compliance and is considering partnering with the County providing enforcement of the County's
39 minimum standard irrigation ordinance once it is enacted. Ms. Roberts advised that while members may
40 prefer to handle their own enforcement, allowing WAV to perform that service would provide
41 consistency on a countywide basis.

42

43 Ms. Roberts concluded by asking Council to consider ways WAV could assist Orange City. She
44 suggested that WAV may be able to support the City's efforts to get action on the GEL site
45 contamination that threatens the aquifer. Or provide the City assistance in its efforts to expand storm
46 water storage. Ms. Roberts stated, "I am not expecting answers tonight, but I am urging you to consider
47 WAV as your partner and your servant and if there are ways that WAV can better deliver a return on
48 your investment in WAV, I am all ears."

1 Council Member Mahoney questioned whether an effective conservation program could prevent having
2 to comply with SJRWMD mandates for an alternative water supply. Ms. Roberts responded “no.” She
3 said everyone must address the SJRWMD mandates. Conservation is part of building public support for
4 the things that must be done to deliver an alternative water supply, as well as, demonstrating to
5 SJRWMD that the City takes its stewardship of its the water resources seriously.
6

7 Mayor Strickland noted that the regional aquifer management plan, discussed earlier, was developed
8 based on a study done by WAV sometime ago. He asked Ms. Roberts to discuss any other studies WAV
9 may have that may be used as potential resources. Ms. Roberts responded that one of the mandates when
10 WAV was formed ten years ago was to complete a comprehensive water supply study. The member
11 funded study identified a number of ways water could be conserved, transported and shared. The
12 interconnect project regional aquifer management plan was identified in the study. Other potential
13 projects were identified but did not go forward at that time because of disagreement among the members
14 about the control and ownership of the projects. Ms. Roberts said the study is still available and may
15 provide some viable options. The Partners (Volusia County, Orange City, DeLand and Deltona) are
16 funding a study challenging the data that the Water Management District uses to evaluate the minimum
17 flows and levels of Blue Spring and are considering some of the options discussed in the study.
18

19 In response to a request from Council Member Sherrill, Ms. Roberts explained the issues with the
20 County and SJRWMD irrigation management and enforcement programs. She said the County has an
21 irrigation ordinance that is more stringent than the SJRWMD ordinance and it is not enforced. WAV
22 has approached the County and requested that their irrigation rules be consistent with SJRWMD. She
23 said SJRWMD is advertising its program across the 18 counties that comprise the District while Volusia
24 County is advertising its irrigation program countywide. As a result, residents of Volusia County are
25 seeing two different ads and are confused about which rules to follow. WAV suggested to the County
26 that an enforceable uniform ordinance would be more beneficial and would allow WAV to provide
27 enforcement. Ms. Roberts cautioned that while municipalities may want to do their own code
28 enforcement, WAV would perform enforcement equally for all cities. She remarked many people have
29 questioned the need to build alternative water sources when conservation ordinances are not enforced.
30 This is a way to show people there will be enforcement.
31

32 Mayor Strickland commented that the public feels conservation is something that could be used against
33 it. Ms. Roberts agreed there are real concerns that a successful conservation program would mean lower
34 consumptive use permits (CUP). She suggested WAV could act as an advocate and secure a written
35 commitment from SJRWMD that consumptive use permits would not be reduced because of successful
36 conservation efforts.
37

38 Mayor Strickland said there are “inconsistencies” with the application of the SJRWMD conservation
39 mandates. He noted that there are approximately 1,000 wells drawing water out of the aquifer that are
40 not being required to do anything about conservation and some cities do not have to comply with the
41 mandates. He questioned how these imbalances could be addressed. Ms. Roberts responded WAV
42 could approach the SJRWMD and the County to get an answer on behalf of the members. Mr. Murray
43 pointed out that cities on the west side of Volusia will be meeting with SJRWMD soon. He suggested
44 that these issues could be discussed at that time.
45

46 Council Member Sherrill agreed that cities should band together and work with WAV to solve some of
47 the issues facing them. He spoke in favor of WAV enforcing the irrigation regulations. In response to a
48 request from Council Member Sherrill, Ms. Roberts said many communities have a code enforcement

1 board however it can be lengthy process. WAV will streamline the process by provide a ticketing
2 program. A warning and education would be the penalty for a first offense, a ticket would be issued for
3 a second offense, but may be waived if the offender attends conservation school. Fines will be assessed
4 for any infractions ticketed. Ms. Roberts noted while the funds collected from the fines are not enough
5 to support the program, it will help defray the costs. SJRWMD has agreed to contribute \$50,000.
6

7 In response to a question from Council Member Sherrill, Ms. Roberts said there are 27, 000 private
8 wells in Volusia County which are not required to respond to conservation mandates. She noted
9 privately owned wells are not metered and there is no way to measure consumption. Therefore, this
10 group is not considered in SJRWMD conservation plans. Ms. Roberts noted this is another inequity
11 with SJRWMD program and must be addressed before the public is willing to accept the enormous
12 increase in their water rates, a consequence of providing an alternative water source.
13

14 State of the City
15

16 Mr. Murray read a summary of the State of the City report into the record (a copy of which is attached
17 and becomes a permanent part of these minutes).
18

19 **3. CITIZEN COMMENTS:**
20

21 Al Blue, 447 N. Oak came forward and said the discussion on water was good. He noted there are seven
22 vacant homes within 1½ blocks of his home and there are approximately 200 homes in foreclosure in
23 Orange City. Mr. Blue spoke against the billing of garbage fees on the tax bill as a special assessment.
24

25 Ron Saylor, 361 Dixon Street came forward to address Council. He said that he complained on March
26 24 about a broken fire hydrant and was told the parts were on order and the hydrant would be fixed. He
27 noted the hydrant was installed on March 25 but is not working. Mr. Saylor said he mentioned the fact
28 that it should be tested on March 31 and to this day, does not know whether it is working.
29

30 Mr. Murray explained that the hydrant is obsolete and parts could not be located. Staff contacted
31 someone who purchased an old hydrant from the City that he used for decoration and was able to secure
32 the interior of that hydrant to install on Carpenter Avenue. Mr. Murray stated hydrant flows in the City
33 will be tested in May noting the hydrant on Carpenter Avenue would be tested at that time. Performing
34 the test before time may cause cloudy water. He assured Mr. Saylor the hydrant would be tested in May.
35

36 **4. CONSENT AGENDA:** None at this time
37

38 **5. ORDINANCES – FIRST READING:**
39

- 40 **A. ORDINANCE NO. 382:** An ordinance of the City Council of the City of Orange City,
41 Florida; amending Chapter 2, Administration, Article I, In General, Section 2-3, City
42 Manager-Powers and Duties, Subsection (d) to provide that the City Manager shall attend
43 all meetings of the City Council as required by the City Charter; to eliminate Subsection (k)
44 in its entirety; to eliminate Section 2-6, Limitation on use of or access to Fire Station areas
45 of City Hall, in its entirety; providing for codification, conflicts, severability and effective
46 date.
47

48 Vice Mayor Allebach read the title of Ordinance No. 382 into the record.

1
2 **Council Member Laputka moved to adopt Ordinance No. 382 on first**
3 **reading, seconded by Council Member Sherrill.**
4

5 Ms. Renner advised that the copy of the ordinance in the agenda packet did not reflect the changes
6 developed by Council Member Mahoney and Mr. Reischmann. She said a revised copy was distributed
7 to Council (a copy of which is attached and becomes a permanent part of these minutes).
8

9 As a point of order, Council Member Mahoney noted that the language in the title of the revised
10 ordinance is inconsistent with the title read into the record. Mr. Reichmann agreed-and advised that the
11 Vice Mayor reread the revised title.
12

13 Vice Mayor Allebach reread the title of revised Ordinance No. 382 into the record.
14

15 **Council Member Mahoney moved to adopt Ordinance No. 382 on first**
16 **reading, seconded by Council Member Laputka.**
17

18 Mr. Reischmann noted this ordinance deals with the administrative responsibilities of the city manager
19 as set forth in the City Code. Section (k) addresses the responsibilities of the city manager with regard
20 to input for the citizens during citizen comments. The language of this Section (k) was revised to be
21 consistent with current practices. He read the proposed language as follows: "Respond as directed by
22 Council to any member of the public coming before the Council during citizen comments." He said we
23 felt that was not consistent with what has been happening with regard to citizen comments and the role
24 of the city manager. This is the same ordinance that was considered at the last meeting. It deals with
25 the requirement for the city manager to attend council meetings as required by the Charter and the
26 elimination of Section 2.6, which contained antiquated language. Council Member Mahoney said that it
27 reflects the "spirit" of the city manager's contract by making it the responsibility of the Council to make
28 sure that a response from the City Manager to citizen's comments is forthcoming.
29

30 Al Blue, 447 N Oak came forward and recalled that in the past the city manager did not respond to
31 citizen requests. He noted that sometimes requests are made in the city manager's office. Mr. Blue
32 related a recent incident wherein the city manager was very rude and refused to discuss his request for
33 information. He questioned whether citizens had to wait for Council to direct the city manager before a
34 response could be provided.
35

36 Council Member Mahoney said the original language had limitations in that it dealt with citizens who
37 come before Council. He said Mr. Blue has come before Council numerous times on the garbage issue
38 but the Council has never responded. He requested to respond to Mr. Blue's concerns. Council Member
39 Mahoney said that 3 years ago Council voted to put the garbage would on the tax roll to reduce the cost.
40 The City was offered a lower rate if it assumed the fee collection responsibilities. The \$259 fee was
41 determined by dividing the fee quoted by the total number of garbage customers and a subsidy was
42 included. Council Member Mahoney restated his support of this ordinance noting it is the Council's
43 responsibly to ensure that a citizen gets an answer.
44

45 Mr. Blue stated the ordinance says the contractor will be reimbursed for services provided and that
46 contractor will get the total amount of non-ad valorem taxes collected for that purpose. Mr. Blue said
47 being paid for services not provided is the issue.
48

1 Council Member Mahoney said the city manager is responsible for the implementation of Council policy
2 and that he should not be reacting to questions from multiple sources; the direction needs to come from
3 the Council. He said Mr. Blue has consistently come forward for a response from Council and has
4 stated he is not getting it. Council Member Mahoney reiterated Council should be responding or
5 directing a response to Mr. Blue's concerns. The matter should not be left in limbo.

6
7 Ron Saylor, 361 Dixson Street came forward and thanked Council for the revision.

8
9 Mayor Strickland expressed his opinion that the consequences of the city manager repeatedly ignoring
10 Council's direction should be addressed.

11
12 **Motion passed by a 7/0 roll call vote of the Council**

- 13
14 **B. ORDINANCE NO. 383** An ordinance of the City of Orange City, Florida, annexing the
15 Deborah Sauer Property into the corporate limits of the City of Orange City, Florida; said
16 property being generally located on the south side of Florida Avenue, approximately 100
17 feet east of Enterprise Road, containing approximately 0.56 acres; in accordance with the
18 voluntary annexation provisions of Florida Statute 171.044; redefining the boundaries of
19 the City of Orange City amending the appropriate sections of the code of Ordinances;
20 containing a repealer provision, a severability clause and providing for an effective date.

21
22 Vice Mayor Allebach read the title of Ordinance No. 383 into the record.

23
24 **Council Member Sherrill moved to adopt Ordinance No. 383 on first**
25 **reading, seconded by Council Member Mahoney.**

26
27 Jim Kerr, City Planner came forward and advised Council that this presentation includes annexation
28 Ordinances No. 383 and 384. Referring to a power point presentation, (a copy of which is attached and
29 becomes a permanent part of these minutes) he pointed out the location of the properties on a map. Both
30 properties have a house on each lot. Both properties are contiguous to the city limits and meet the
31 criteria for voluntary annexation.

32
33 **Motion passed by a 7/0 roll call vote of the Council.**

- 34
35 **C. ORDINANCE NO. 384** An ordinance of the City of Orange City, Florida, annexing the
36 Mercado Property into the corporate limits of the City of Orange City, Florida; said
37 property being generally located on the south side of Florida Avenue, approximately 300
38 feet east of Enterprise Road, containing approximately 0.51 acres; in accordance with the
39 voluntary annexation provisions of Florida Statute 171.044; redefining the boundaries of
40 the City of Orange City amending the appropriate sections of the code of Ordinances;
41 containing a repealer provision, a severability clause and providing for an effective date.

42
43 Vice Mayor Allebach read the title of Ordinance No. 384 into the record.

44
45 **Council Member Laputka moved to adopt Ordinance No. 384 on first**
46 **reading, seconded by Council Member Mahoney.**

47
48 **Motion passed by a 7/0 roll call vote of the Council.**

- 1
2 **D. ORDINANCE NO. 385** An ordinance of the City of Orange City, Florida, annexing the
3 Monroe Investments Property into the corporate limits of the City of Orange City, Florida;
4 said property being generally located on the east side of Veterans Memorial Parkway,
5 approximately 2,250 feet south of East Graves Avenue, containing approximately 0.23
6 acres; in accordance with the voluntary annexation provisions of Florida Statute 171.044;
7 redefining the boundaries of the City of Orange City amending the appropriate sections of
8 the code of Ordinances; containing a repealer provision, a severability clause and providing
9 for an effective date.

10
11 Vice Mayor Allebach read the title of Ordinance No. 385 into the record.

12
13 **Council Member Laputka moved to adopt Ordinance No. 385 on first**
14 **reading, seconded by Vice Mayor Allebach.**

15
16 Jim Kerr, City Planner came forward and advised Council that he was going to discuss both annexation
17 Ordinances No. 385 and 386. Referring to a power point presentation, (a copy of which is attached and
18 becomes a permanent part of these minutes) he pointed out the location of the properties on a map. Both
19 are contiguous to the city limits and meet the criteria for voluntary annexation.

20
21 **Motion passed by a 7/0 roll call vote of the Council.**

- 22
23 **E. ORDINANCE NO. 386** An ordinance of the City of Orange City, Florida, annexing the
24 Monroe Investments Property into the corporate limits of the City of Orange City, Florida;
25 said property being generally located on the east side of Veterans Memorial Parkway,
26 approximately 2,350 feet south of East Graves Avenue, containing approximately 0.60
27 acres; in accordance with the voluntary annexation provisions of Florida Statute 171.044;
28 redefining the boundaries of the City of Orange City amending the appropriate sections of
29 the code of Ordinances; containing a repealer provision, a severability clause and providing
30 for an effective date.

31
32 Vice Mayor Allebach read the title of Ordinance No. 386 into the record.

33
34 **Council Member Mahoney moved to adopt Ordinance No. 386 on first**
35 **reading, seconded by Vice Mayor Allebach.**

36
37 **Motion passed by a 7/0 roll call vote of the Council.**

- 38
39 **F. ORDINANCE NO. 387** An ordinance of the City of Orange City, Florida, annexing the
40 James Property into the corporate limits of the City of Orange City, Florida; said property
41 being generally located on the north side of West Fern Drive, approximately 750 feet east
42 of Pecan Drive, containing approximately 2.30 acres; in accordance with the voluntary
43 annexation provisions of Florida Statute 171.044; redefining the boundaries of the City of
44 Orange City amending the appropriate sections of the code of Ordinances; containing a
45 repealer provision, a severability clause and providing for an effective date.

46
47 Vice Mayor Allebach read the title of Ordinance No. 387 into the record.

48

1 **Council Member Laputka moved to adopt Ordinance No. 387 on first**
2 **reading, seconded by Vice Mayor Allebach.**
3

4 Jim Kerr, City Planner came forward and referring to a power point presentation (a copy of which is
5 attached and becomes a permanent part of these minutes) pointed out the location of the subject. He
6 said that it is contiguous to the city limits. The property is on 2.3 acres of vacant land and zoned single
7 family residential.
8

9 **Motion passed by a 7/0 roll call vote of the Council.**
10

11 **6. PUBLIC HEARING/ORDINANCES – SECOND & FINAL READING:**
12

- 13 **A. RESOLUTION NO. 539-09:** A resolution of the City of Orange City, Florida, relating
14 to the construction and funding of the Sparkman Avenue Extension project; providing
15 authority and definitions; confirming the initial assessment resolution; approving the
16 assessment roll; providing for the imposition of the assessments to fund the Sparkman
17 Avenue extension project; providing for collection of the assessments pursuant to the
18 uniform assessment collection act; providing for the effect of this resolution; providing
19 severability and an effective date.
20

21 Vice Mayor Allebach read the title of Resolution No. 539-09 into the record.
22

23 **Council Member Mahoney moved to adopt Resolution No. 539-09,**
24 **seconded by Council Member Laputka.**
25

26 Mayor Strickland opened the public hearing by asking if anyone wanted to speak for or against the
27 proposed ordinance.
28

29 Christine Davis, Finance Director came forward and stated this is the final resolution required for the
30 Sparkman Ridge Special Assessment District. She reminded Council this is the first public/private
31 partnership for Orange City. It pertains to the construction of the missing link for Sparkman Avenue
32 and provides for repayment of the construction cost over 15 years. Tonight's public hearing is the final
33 action required by Council. Appendix A and B of the resolution is verification that the requirements set
34 forth in the initial resolution adopted on March 10 were fulfilled.
35

36 Ms. Heather Encinosa, Nabors, Giblin & Nickerson, came forward and stated that this resolution
37 confirms the methodology and arrangements made for the special assessment district. It provides for
38 collection of the costs of the special district through non-ad valorem taxes. In response to a question
39 from Mayor Strickland, Ms. Encinosa said the document meets with all the regulatory requirements.
40 Mr. Murray commented that the resolution has been reviewed by the property owner's attorney.
41

42 Mayor Strickland closed the public hearing.
43

44 **Motion passed by a 7/0 roll call vote of the Council.**
45

46 Mayor Strickland noted that he missed a citizen request to speak. He apologized and called Mr.
47 Desassure forward.
48

1 Joseph Desassure, 718 South Thorpe Avenue came forward. He questioned how WAV could help with
2 the placement of water lines and what would it cost for every home in Orange City to own a well and
3 could this possible happen in the next 20 years. Mr. Dessassure read a visionary statement for the Boys
4 & Girls club into the record as follows:

5
6 “The children of today are our future and it is our responsibility to guide them in a positive direction to
7 make a bright future that we all envision. This generation needs their community as those in the past
8 also needed the guidance of the more experienced for help and guidance. As a child growing up in this
9 community, I see the youth today left to their own devices with little to no adult care and supervision.
10 They need a place to go where they can receive guidance, assistance and nurturing in order to develop
11 the skills they need in order to make effective decisions and positive choices. This will also provide
12 them with a safe environment to socialize with their peers and create positive roles with others in our
13 community. We cannot rely on the school board to create this environment after school hours. We must
14 be proactive and make the decision that will make a positive impact on our children’s lives. I speak
15 from experience being that child that had no role model to guide me and sought the only playground I
16 knew was the streets of Orange City. It is a well known fact that our community has lacked a proper
17 community center and local youth programs. My vision is to finally bridge the gap and create the
18 community center we need through the Boys & Girls Club. The Club offers programs and promotion of
19 services. It will also instill confidence, usefulness, belonging, and influence. An intergenerational boys
20 and girls club of Orange City is a safe place to learn and grow while having fun. We are truly the
21 positive place for our children to foster a positive impact on our future.”

22
23 **7. RESOLUTIONS:** None at the time

24
25 **8. DISCUSSION AND ACTION:**

26
27 **A. Discussion on Role of Custodian of Records**
28 *Postponed from March 24, 2009*

29
30 Council Member Abraham said that this item was postponed at the last meeting due to the lateness of the
31 hour. He remarked that last week was “Sunshine Week” in Florida. He said he distributed information
32 to the Council about a new state web site that has financial information for cities on the web site. He
33 suggested Council review Florida Statute 119.07. Council Member Abraham noted that Orange City has
34 never had a formal record request policy. He said the City Clerk has provided examples of public
35 policies with the agenda packet. He read from Section 119.011 of the Statute that discusses the kinds of
36 records that may be available for inspection and/or copies. He said that all materials, regardless of its
37 final form are open for public inspection unless the legislature has exempted them.

38
39 Council Member Abraham said he is bringing the matter to Council's attention because last year a
40 citizen complained to him that he had problems getting copies of the city's budget. He said the citizen
41 chose to remain anonymous however, he called the City Clerk's office and was transferred to the
42 Finance Department and subsequently to the City Manager's office. It took the city manager 10 minutes
43 to answer the call and he asked questions that the caller felt were not necessary. He said eventually the
44 caller was able to get the information that he requested from the city web site.

45
46 Council Member Abraham said the he saw a public access request form at another city and suggested
47 that form would be appropriate for Orange City. He distributed copies to Council. Council Member
48 Abraham said that he has had a similar experience as the caller he previously described. He said on

1 February 24 he requested information about the publication costs for the newsletter from the Deputy
2 City Clerk. On Feb 27 he received a response from the Finance Director that the information had been
3 provided to the City Manager. He said it took 21 days before he could get a response and questioned
4 whether it was legal to delay requests for information. The statutes state that requests must be
5 responded to in a reasonable time however it does not define a reasonable time. Council Member
6 Mahoney and Mr. Reischmann noted it depends on what is requested. Mr. Murray said the Council had
7 discussed the matter at length at a previous meeting and it was the conclusion that all requests for
8 information would come through the City Manager. He said he has repeatedly asked Mr. Abraham to
9 call his office for information and he has "steadfastly" refused. Seven times, he has complied with Mr.
10 Abraham's requests even though the request was not made to him. He stated, "I drew the line at that
11 one." With regard to the citizen's budget request, Mr. Murray advised that the document is still in the
12 office where it was printed and the caller was to come and pick it up the next day.

13
14 Council Member Abraham said he was not aware that Council had directed the City Manager to respond
15 to all requests. Council Member Laputka recalled that the matter had been discussed and the consensus
16 was that the city manager would handle these requests until a solution is worked out. Council Member
17 Abraham questioned the "logic" behind that. Council Member Laputka noted there was confusion about
18 Council's requests for information. Vice Mayor Allebach explained that at one time, people were
19 making the same request for information to multiple departments so that five different staff members
20 were working on the same request. The idea was to create a policy that specifically addressed who
21 would be responsible to answer requests for information. He noted that often the requests would require
22 creation of a report using information from other city departments. He stated that is not what the law is
23 intended to do.

24
25 Mayor Strickland expressed his concern that this issue be addressed in a manner that is respectful to all
26 concerned. He said the law states that the City must make public records available, the City Clerk's
27 office is the deemed the custodian of records. The Mayor said that originally he voted that the city
28 manager should process Council's requests as a way to get Mr. Abraham to meet and talk with the City
29 Manager. He stated, "I think I made a mistake." Mr. Abraham has chosen to get his information from
30 the city clerk and not meet with the manager or participate in goal setting matters, etc. He suggested that
31 is not helpful for the City or the Council.

32
33 Council Member Mahoney noted that questions posed while trying to comply with a request for
34 information should not be viewed as interrogation, but a clarification to make certain that the
35 information provided is what was requested. The public access form Council Member Abraham
36 distributed was good but a policy is required. He reiterated the insinuation that someone is being
37 interrogated when questioned about an information request is not correct.

38
39 In response to a question from Council Member Abraham, Mayor Strickland said he had not read Statute
40 119. He restated his opinion that this matter must be resolved. He suggested the City Clerk coordinate
41 all requests for information.

42
43 Council Member Abraham expressed his hope that citizens do not have the same problems that he has
44 had accessing information. Mayor Strickland expressed his support that a public record policy be
45 instituted. He said he preferred the policy from New Smyrna Beach and suggested the City develop a
46 similar policy. Mayor Strickland said that he had some of the same issues before being elected to
47 Council and suggested that a policy would had been very helpful for everybody.

48

1 Mayor Strickland advised Council Member Abraham that there are two issues being discussed. Mr.
2 Murray agreed noting there is no problem with public records requests. He said there are three charter
3 employees that report to the Council. All other employees report to the City Manager. No city manager
4 would allow arbitrary access to employees. Requests for information need to go through a source. Mr.
5 Murray commented that he requested that Council's requests for information go through his office so
6 that he can make sure every Council Member receives the same information.

7
8 Council Member Abraham maintained that Florida statutes define the City Clerk as the custodian of
9 records. Mayor Strickland commented that the example policy from New Smyrna is through and
10 suggested Orange City develop a similar policy that include a way to notify the city manager.

11
12 Mr. Reischmann pointed out Chapter 119 states that anyone can request a public record and is not
13 required to reveal their identity. He recalled that Council made an interim decision to request
14 information from the City Manager directly. Council Member Abraham chooses to request information
15 from the City Clerk and he has the legal right to do that.

16
17 Council Member Rasch pointed out that questioning a staff member about information provided would
18 require that employee to take time away from their responsibilities. He stated that is an interview rather
19 than a public access request, and should go through the City Manager. Mr. Reischmann read from
20 Section 6.01 of the Charter. "Except for the purposes of inquiries and investigations, the Council or its
21 members shall deal with City Officers and employees who are subject to the direction and supervision of
22 the City Manager solely through the City Manager. Neither the Council nor its member shall give
23 orders to any such officer or employee either publicly or privately. Any such dictation, orders or
24 requests or interference upon the part of a member of the City Council with the administration of the
25 City shall be cause for removal from office as provided for in Section 2.09 of this charter."

26
27 Vice Mayor Allebach and Council Member Sherrill suggested a public access request form is created
28 similar to the example copy from Deltona.

29
30 **It was the consensus of the Council that the City Clerk would work**
31 **with the City Attorney to develop a public record access policy.**

32 33 **9. NEW BUSINESS:**

34
35 Mayor Strickland suggested that the issue of using golf carts in communities be discussed at a future
36 meeting.

37
38 Council Member Laputka requested that pocket parks be discussed at a future meeting. Mr. Murray said
39 that he has information on pocket parks and he would bring that forward soon.

40 41 **10. REPORTS**

42 43 **A. City Manager**

44
45 Mr. Murray reported that a windstorm, possibly a twister caused damage to the roof of the Heritage Inn,
46 and a power outage due to oak trees that fell. The power outage affected most of the city complexes and
47 lasted about 45 minutes. There was no significant damage and the streets were cleared of debris by 5
48 pm.

1 Mr. Murray said the fundraiser for Office El-Shami raised over \$15,000. He remarked it was the most
2 impressive car wash that he has ever seen. Mr. Murray reported that Officer El-Shami's left eye was
3 removed last week. The operation went well and he is healing nicely. Prospects for his right are very
4 good for him to regain vision in that eye. A prosthetic eye implanted in the next 30-45 days. His overall
5 health and attitude is good.

6
7 B. Mayor/City Council

8
9 Nothing further to report.

10
11 C. City Clerk

12
13 Ms. Renner noted the recently adopted Charter requires a budget meeting for citizens to come give their
14 input on the budget. The meeting must happen before June 1, prior to the development of the budget.
15 She suggested that the meeting be scheduled sometime in May. Mayor Strickland suggested May 28 at
16 7 p.m. It was the consensus of Council that the citizen meeting be scheduled for May 28 at 7 p.m.

17
18 Mayor Strickland pointed this would be the first citizen budget meeting and suggested the ideas
19 discussed at the goal setting workshop be presented at that meeting in an easy to understand format.
20 Council Member Mahoney commented that he was a proponent of seeking citizen input before adoption
21 of the budget. However, due to fiscal restraints, the capital budget may be very lean this year. He
22 expressed his concern that Council is looking for feedback from individuals and the funds may not be
23 there. Mayor Strickland and Vice Mayor Allebach expressed their belief that based on the discussions
24 from the goal setting workshop the citizens understand these fiscally difficult times.

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26 In response to a question from Mayor Strickland, Ms. Renner said that a draft map of the districts would
27 be presented at the next Council meeting.

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29 D. City Attorney

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31 Nothing further to report.

32
33 **APPROVAL OF MINTUES:**

March 24, 2009 Regular Meeting

34 March 31, 2009 Special Meeting

35
36 Council Member Mahoney moved to approve the minutes of the March 24, 2009 Regular Meeting,
37 seconded by Council Member Laputka and passed by a unanimous 7/0 voice vote of the Council.

38
39 Council Member Mahoney moved to approve the minutes of the March 31, 2009 Special Meeting,
40 seconded by Council Member Sherrill and passed by a unanimous 7/0 voice vote of the Council.

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42 **11. COUNCIL COMMENTS:**

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44 Council Member Mahoney thanked Mr. Reischmann for his assistance revising Ordinance No. 352 and
45 Mr. Murray for the State of the City Report.

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47 Council Member Rasch thanked the City Clerk and staff for the "excellent" goal-setting workshop held
48 yesterday.

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Council Member Sherrill said the fundraiser for Officer El-Shami was great. Police and firemen came from around the state. He stated, "It was a good spirited session of camaraderie of bringing staff and the community together for a good cause. I love to see stuff like that."

Council Member Abraham commented that he went to Palatka for a meeting organized by the District. He said that he expected to attend a 3 hour meeting but it was over in 20 minutes. Council Member Abraham said the time to comment was extended to April 20. He said he sent his remarks by email and encouraged others to do the same.

Vice Mayor Allebach said that this evening he and Ms. Davis presented Resolution No. 537-09 to the School District of Volusia County requesting that the new high school be named Orange City High School. Vice Mayor Allebach said the input citizen goal setting was wonderful, having Ben Franklin start the meeting was "intriguing."

Mayor Strickland said input from the citizen goal setting workshop was good. There was a mixture of citizens who participated last year and a number of new participants.

12. ADJOURN:

There being no further business, Mayor Strickland adjourned the meeting at 9:11 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON:

Gloria Williams, CMC
Deputy City Clerk

April 28, 2009